



*Congresswoman*

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## **Frequently Asked Questions: Unemployment Insurance, Emergency Leave and the CARES Act**

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### **UNEMPLOYMENT INSURANCE**

#### **Q. How much can I get from Unemployment Insurance?**

A. The exact amount you can receive through Unemployment depends on your state and your previous earnings. Between now and July 31, an additional \$600 will be added to every unemployment compensation check, so no one will receive less than \$600 per week.

#### **Q. What if I'm not eligible for traditional Unemployment Insurance?**

A. The CARES Act temporarily expands unemployment insurance to cover individuals who are not traditionally covered, including the self-employed, gig-workers, independent contractors, and workers with irregular work history. It also expands the list of allowable criteria for claiming unemployment compensation to include many reasons related to the COVID-19 public health emergency. Contact the unemployment office in the state where you worked to determine your eligibility.

#### **Q. What if I've been out of work because of COVID-19 for several weeks already?**

A. If you exhaust the weeks of unemployment compensation available to you through your state's laws, you will be eligible for an additional 13 weeks of benefits. These benefits will be federally-funded, but you will still receive them through your state.

#### **Q. How long will the expanded benefits be in place?**

A. Expanded eligibility for unemployment insurance will be in effect until December 31, 2020. A \$600 additional benefit will be added to unemployment compensation received for weeks between when the bill is enacted and July 31, 2020.

#### **Q. Is there a waiting period?**

A. The CARES Act includes incentives for states to waive the waiting week between applying for unemployment compensation and receiving it. Contact the unemployment office in the state where you worked to determine whether there will be a waiting week.

### **Q. How do I file for unemployment insurance?**

A. You can apply for unemployment compensation through the unemployment office in the state where you worked. In most states, you can apply online.

## **EMERGENCY LEAVE**

### **Q. Who is a covered employer?**

A. In general, a private employer with fewer than 500 employees is a “covered employer” for both the paid sick leave and paid family leave requirements. However, the Secretary of Labor has additional authority to exempt employers with fewer than 50 employees from the requirement to provide leave for caring for children due to closures of schools or child care, both in the paid sick leave and paid family leave context.

Additionally, employers of Health Care Providers or Emergency Responders have authority to unilaterally exclude their employees from all the paid sick leave and paid family leave requirements. Finally, while most public employers with 1 or more employees are covered by the paid sick leave requirements and most public employers with fewer than 500 employees are covered by the paid family leave requirements, most federal employers are excluded from the paid family leave requirements—and OMB has the authority to exclude any federal employers from both the paid sick leave and paid family leave requirements.

### **Q. Who is a covered employee?**

A. To be a “covered employee,” an individual must first be working for a “covered employer” explained above. In general, an individual who is employed by a covered employer is covered by both the paid sick leave and paid family leave; the definition of “employee” is based in the Fair Labor Standards Act (FLSA) and is broad and intended to capture most people. However, paid family leave has an additional requirement that an individual has been employed by the employer for at least 30 days to qualify; if an individual was laid off by their employer after March 1, 2020, had worked for that employer for 30 of the 60 calendar days before being laid-off, and is re-hired by the employer, then that employee qualifies as a covered employee even though upon their rehire they have not been working for 30 days for the employer. Most federal employees are excluded from the paid family leave, and OMB has the authority to exclude any federal employees from both the paid sick leave and paid family leave.

### **Q. How much paid sick leave are employees eligible to take?**

For paid sick leave, employees are eligible to take up to 80 hours (two weeks) of paid time, depending on the employee’s regular schedule, at 100% of the employee’s regular rate of pay (up to \$511 per day) due to quarantine/isolation order, health-care provider guidance to self-quarantine, or seeking diagnosis for symptoms of COVID-19; the pay is limited to 2/3 of the

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employee's regular rate of pay (up to \$200 per day) for caring for someone who is isolated/quarantined and for taking care of a child due to a closure of school or child care.

### **Q. How much paid family leave are employees eligible to take?**

A. For paid family leave, employees are eligible to take up to 10 additional weeks of paid time at 2/3 of the employee's regular rate of pay (up to \$200 per day) solely to take care of a minor child due to a closure of school or child care or the unavailability of a child care provider.

### **What are the qualifying reasons for leave?**

For paid sick leave:

- Unable to work or telework due to
- The employee is covered by a quarantine or isolation order by a federal, state, or local authority;
- The employee has been advised by a health care provider to self-quarantine due to concerns over COVID-19;
- The employee is experiencing symptoms of COVID-19 and is seeking diagnosis;
- The employee is caring for an individual who is covered by a quarantine or isolation order or who has been advised by a health care provider to self-quarantine;
- The employee is caring for a son or daughter if, due to COVID-19, the school or place of care is closed or if the child care provider is unavailable; or
- The employee is experiencing a "substantially similar condition" as specified by HHS and DOL.

For paid family leave:

- The employee is unable to work or telework due to needing to care for a son or daughter under 18 years of age because, due to COVID-19, the child's school or place of care is closed or the child's child care provider is unavailable

### **Q. Are there documentation requirements an employee must provide to prove they are caring for an individual or child whose school or place of care is closed?**

A. If the need for paid family leave is foreseeable, an employee must provide the employer with notice as soon as practicable; and an employer may require reasonable notice procedures to receive paid sick leave. However, while DOL may clarify this through guidelines or regulation, we do not read the Act to allow an employer to require any documentation to prove the employee is caring for an individual or child.

### **Q. When do these provisions go into effect?**

A. According to DOL, they will go into effect on April 1 and will apply to leave taken between April 1 and December 31, 2020.

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